



Paper No. 7

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
186 WOOD AVENUE SOUTH
ISELIN, NJ 08830

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MAR 12 2004

OFFICE OF PETITIONS

In re Application of
Wei et al.
Application No. 10/016,096
Filed: January 21, 2000
Attorney Docket No. 2001P18253US01

ON PETITION

This decision concerns the February 25, 2004 "Petition for Revival of an Application Abandoned Unintentionally under 37 CFR 1.137(b)." The petition asserts timely reply to a USPTO notice and is being properly treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in this application.

The petition is **GRANTED**.

The application was held abandoned on May 16, 2002 for failure to timely submit a proper oath or declaration as required by the March 15, 2002 "Notice to File Missing Parts of Nonprovisional Application" ("3/15/02 Notice").

The instant petition asserts timely response to the 3/15/02 Notice. In support, the petition is accompanied by a copy of a postcard receipt indicating receipt in the USPTO on April 18, 2002 of, *inter alia*, 2 executed declarations for this application.¹ Copies of the declarations purportedly filed on April 18, 2002 are also enclosed with the petition. In addition, Assignee's deposit account was charged on April 18, 2002 the \$130 surcharge for late filing of an acceptable oath or declaration.

In view of the above, the Office concludes that these declarations had been timely filed in the USPTO on April 18, 2002, but was later misplaced. Accordingly, the application was not abandoned. The holding of abandonment in this application is thus withdrawn and the petition is granted. No petition fee is owed.

The January 16, 2004 Notice of Abandonment is hereby vacated.

The application is complete.

¹ One declaration signed by one of the three inventors, the other signed by the remaining two inventors.

In addition, on February 27, 2004, Assignee's deposit account, No. 19-2179, was charged the \$130 surcharge for late filing of a proper oath/declaration. Since the surcharge was already paid on April 18, 2002, the duplicate charge of \$130 has been credited to the same account as authorized in the original application fee transmittal.

Finally, the petition also requests correction of the filing date which must be addressed in a separate petition.²

The application file is being forwarded to Technology Center 2800 for examination in due course.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.



RC Tang
Petitions Attorney
Office of Petitions

² 37 CFR 1.4(c) ([E]ach distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects.).